

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TAMMY KITZMILLER, <u>et al.</u>	:	Case No. 04cv2688
	:	
Plaintiffs	:	Judge Jones
	:	
v.	:	
	:	
DOVER AREA SCHOOL DISTRICT, <u>et al.</u> ,	:	
	:	
Defendants.	:	

MEMORANDUM AND ORDER

December 20, 2005

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Pending before the Court are Plaintiffs' Designations of Deposition Testimony with Defendants' Counter-Designations and Plaintiffs' Objections to Counter-Designations (doc. 333) filed by Plaintiffs on November 21, 2005.

Inasmuch as the Court only used the following uncontested designated deposition testimony in rendering our decision in the case sub judice, such testimony will be admitted:

1. Minnich Dep. 1:34, 89, May 26, 2005
2. Fuller Dep. 1:67, 98-101, 110-111, 167-170, June 21, 2005
3. Buckingham Dep. 1:59-61, January 3, 2005

4. C. Buckingham Dep. 1:19-22, April 15, 2005
5. Cleaver Dep. 1:15, June 9, 2005
6. Buell Dep. 1:13, July 8, 2005

We note that as the numerous other deposition designations submitted by Plaintiffs were not referred to or utilized by the Court in rendering our decision, the issue of admitting such material has been rendered moot and it will accordingly not be admitted.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Plaintiffs' Designations of Deposition Testimony with Defendants' Counter-Designations and Plaintiffs' Objections to Counter-Designations (doc. 333) are not admitted.
2. The designated deposition testimony referenced in this Order is hereby admitted.

s/ John E. Jones III
John E. Jones III
United States District Judge